

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

VS.

MARCELINO CANTU-CHAPA

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§
§
§ 1107
§

MAGISTRATE ACTION NO. C-09-

§ 1107

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

(1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(C); and

(2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.


The evidence against the defendant is substantial. The defendant was the registered owner of the vehicle which contained the cocaine, and he had a receipt in his pocket for the purchase of the spare tire which held over five kilograms of cocaine. In addition the defendant gave inconsistent statements to agents about the purpose for his trip.

On the issue of detention, the findings and conclusions contained in the Pretrial

Services Report are adopted. The defendant is a resident alien facing deportation if convicted. He has several family members living in Mexico. The defendant is a heavy cocaine and alcohol user, and he is on bond for a controlled substance offense alleged to have been committed just last month. The defendant is a poor bond risk.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 2nd day of December, 2009.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE